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U.S. Department
of Transportation

United States
Coast Guard



Commandant
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May 8, 1996

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

The Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, D.C. 20554

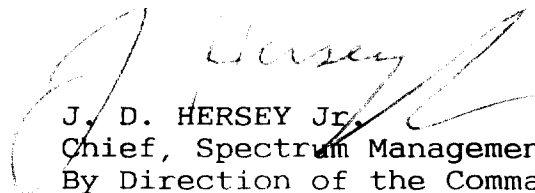
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Ref: WT Docket No. 96-82, Amendment of Parts 80 and 87 of the
Commissions's Rules to Permit Operation of Certain Domestic
Ship and Aircraft Radio Stations Without Individual
Licenses

Dear Mr. Secretary:

Enclosed are Comments of the U.S. Coast Guard in response to the
Notice of Proposed Rulemaking in the above-captioned proceeding.

Sincerely,



J. D. HERSEY Jr.
Chief, Spectrum Management Division
By Direction of the Commandant

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Before The
FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554

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In the Matter of)
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Amendment of Parts 80 and 87 of)
the Commission's Rules to Permit)
Operation of Certain Domestic)
Ship and Aircraft Radio Stations)
Without Individual Licenses)

WT Docket No. 96-82

COMMENTS OF THE UNITED STATES COAST GUARD

The United States Coast Guard respectfully submits these Comments in response to the Notice of Proposed Rulemaking in the above-captioned proceeding.

Introduction

1. The Coast Guard receives approximately 20,000 distress calls each year from mariners using VHF maritime radio. Mariners on compulsory-fitted vessels are required to use VHF maritime radio for intership navigation safety, receipt of urgent maritime information broadcasts, and communication of vessel traffic service and ship movement navigation instructions.

2. The Coast Guard does not object to the Commission's proposal to eliminate ship station licenses and the resulting fees, which recently have tended to act as a disincentive to carriage of ship safety-related communications and electronics equipment. While not opposing the proposal, the Coast Guard has several concerns about licensing by rule.

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3. The Coast Guard will increasingly rely on the Global Maritime Distress & Safety System (GMDSS), implemented worldwide under the Safety of Life at Sea Convention and 1987 amendments to the International Telecommunications Union Radio Regulations, and in the U.S. under PR Docket 90-480 issued by the Commission. Under GMDSS, the initiation of communications on a digital selective calling (DSC)-equipped VHF maritime radio require the issuing, registering and use of a nine-digit maritime mobile service identity (MMSI). DSC cannot be used without assignment of an MMSI. These MMSI's are also used to identify ships transmitting a distress signal. In the U.S., the Commission assigns MMSIs to vessels by means of their ship station license, maintains these identities in their ship station license database in Gettysburg PA, and provides this information to both the Coast Guard and the International Telecommunications Union in Geneva Switzerland. When a Coast Guard or foreign rescue coordination center receives a DSC distress call with no follow-on voice communications, which is the most common scenario, the center contacts the FCC, or obtains MMSI information provided by the FCC, to identify the vessel in distress, verify the casualty, and where necessary deploy resources needed to rescue the vessel or person requiring assistance.

4. The Coast Guard has been concerned about the misuse of VHF maritime distress and safety channels for years. VHF is our primary means of distress notification. Compulsory-equipped

vessels rely on VHF for navigating under bridge-to-bridge or vessel traffic service rules. Because of evidence that many users disregarded Commission radio licensing and usage rules, or were unaware that rules even existed, the Coast Guard reinitiated checks for presence of a Commission ship station license on radio-equipped vessels during boarding inspection at the beginning of the 1991 boating season. The check for ship station licenses was a simple way to increase awareness among boaters that radio regulations, of which licenses are one part, do exist, are considered important and are enforced. It appeared that VHF radios were unintentionally being treated by many boaters as if they were Citizens Band radios. A \$200 VHF marine radio could be bought from a boat dealer or by mail order with the buyer having no way of knowing that rules apply to its use. The Commission, under an Agreement between FCC and USCG Relating to Marine Radio Problems, signed on 23 May 1983, agreed to prosecute radio violations based upon evidence provided by the Coast Guard.

Applicability

5. The 1996 Telecommunications Act amended Section 307 to permit licensing by rule of ship and aircraft radio stations operated domestically when the operators are not otherwise required to carry a radio station. The proposed revision to regulation 80.13 states "A ship station is licensed by rule and does not need an individual license issued by the FCC if the ship station is not subject to the radio equipment carriage requirements of the

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Communications Act or any other treaty or agreement to which the United States is signatory, the ship station does not travel to foreign ports, and the ship station does not make international communications." Since statutes other than the Communications Act require vessels to carry marine radios, we ask that the proposed regulation be revised to more clearly reflect the actual text of the Act. We believe the regulation would be more accurate if it stated "A ship station is licensed by rule and does not need an individual license issued by the FCC if the ship station is not subject to the radio equipment carriage requirements of any act, treaty or agreement...".

Enforcement of Marine Radio Safety Regulations

6. We believe that licensing by rule must be accompanied by public awareness, effective instruction and continued enforcement to avoid a negative impact on safety at sea. We are also concerned that with \$3 million annual loss of revenue¹ caused by

1. The Omnibus Budget Reconciliation Act of 1993 authorized the FCC to retain regulatory fees collected for licenses such as ship station licenses. The FCC currently charges a regulatory fee of \$30 to applicants of ten year ship station licenses. The percentage of ship station licenses to all licenses affected by this proceeding is 82%. If 82% of the 125,000 annual license applications which are eliminated under this proposal are for ship stations, then the Commission will lose \$3,075,000 per year in retainable fees for activities related to maritime telecommunications regulations as a result of this proceeding.

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delicensing, and cutbacks in the Commission's Compliance and Information Bureau staff announced in the March 5, 1996 edition of the Federal Register, your ability to continue to protect maritime safety communications may be impaired. As noted in our October 5, 1994 letter from the Commandant of the Coast Guard to the Chairman of the Commission (enclosed), "We simply cannot compromise safety and performance of our vessel traffic services, distress and bridge-to-bridge communications by persons unfamiliar with radio telephone procedures and basic regulations."

7. The National Boating Safety Advisory Council was established by the Federal Boat Safety Act of 1971. The Act requires the Secretary of Transportation (delegated to the Commandant of the Coast Guard) to consult with the Council on the need for Federal regulations and other major boating safety matters. The Council consists of 21 members drawn equally from State officials responsible for boating safety programs; representatives of the boating industry; and representatives of national recreational boating organizations and the general public. On October 31, 1995, the National Boating Safety Advisory Council, noting "lack of FCC enforcement of regulations governing Marine VHF channels is a likely by-product of the delicensing of Marine VHF channels", unanimously adopted a resolution urging continued active FCC enforcement of all regulations pertaining to marine VHF frequencies. A copy of that NBSAC resolution is enclosed.

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Loss of an Effective Maritime Mobile Service Identity Database

8. The Commission noted that "...one of the primary uses for individual licensing as a means of identification can be accomplished without any license document. In the case of recreational vessels, call signs are not necessary because the name of the vessel is often used for domestic identification, and could readily replace the use of FCC issued call signs."

However, the MMSI is an essential means of identification in the GMDSS, currently obtained through the license document, and cannot be replaced by the vessel name, registration, hull number, and any other known identification scheme. In licensing recreational vessels by rule, we ask the Commission to institute an economically attractive procedure for issuing MMSIs to this class of user. Otherwise, recreational boaters will be discouraged from outfitting with GMDSS equipment and benefiting from its improvements to distress, safety and personal communications, or will be tempted to enter a false identity into the equipment in order to use it.

9. Registration of 406 MHz emergency position indicating radiobeacons (EPIRBs), another element of the GMDSS, has always been at no charge to the public. We have found that the registration of these EPIRBs increased from 70% to 88% when the Commission, at our request, mandated registration, and publicity

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on the need for registration improved over two years ago. Since the Coast Guard must react to distress alerts from a DSC-equipped radio in a way similar that received from an EPIRB or other GMDSS-recognized device, registration of these MMSI identities should be accomplished in a way as effective as registration of 406 MHz EPIRB identities are accomplished. Accurate registration is vital for any device capable of transmitting a preformatted distress alert.

10. Full implementation of the GMDSS is now less than three years away. The recently passed Telecommunications Act encourages U.S. cargo ships to fit GMDSS equipment. We expect to receive many DSC alerts. MMSI registration data will often be sought by search and rescue authorities as a vital aid in determining whether a real distress exists and what facilities are needed in response. Absence of such information has and will continue to result in very expensive, potentially hazardous, and needless search and rescue operations, or delayed response to real distress incidents with increased potential for loss of life. Considerable experience with the Cospas-Sarsat search and rescue system clearly shows that the safety benefits of updated registration data, readily accessible on a 24 hour basis, far

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outweigh the cost of maintaining such a database. A single search and rescue case, prolonged due to missing MMSI registration information, could cost taxpayers more than the annual cost of maintaining the database.

Recommendations

11. To clarify the applicability of this rule, we ask the Commission amend the regulation proposed in 80.13(c) as recommended in paragraph 5 above.

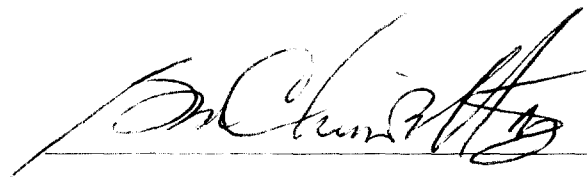
12. To help reduce problems associated with enforcement, we respectfully request the Commission to continue enforcing regulations affecting maritime safety telecommunications as a matter of priority. We ask that the Commission in cooperation with organizations such as the Coast Guard Auxiliary, increase its effort to educate the maritime community on the use of marine radio, particularly with the advent of the GMDSS. Finally, we ask the Commission, as a minimum, require manufacturers of marine

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radios include a simplified copy of rules affecting use of the radio, particularly restrictions on the use of safety channels, in its packaging materials.

13. To correct the problem associated with assignments of MMSIs, we urgently request the Commission immediately implement an alternative means for assigning and registering MMSIs, at no cost to boaters, before a Report and Order implementing this rule is adopted.

Respectfully Submitted,



MAY 8 1996

B. M. CHISWELL III
Chief, Office of Communications
By Direction of the Commandant

Commandant (G-SCT)
United States Coast Guard
Washington, D.C. 20593-0001

Enclosure: USCG letter dated October 5, 1994
National Boating Safety Advisory Council Resolution

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Enclosure

NATIONAL BOATING SAFETY ADVISORY COUNCIL RESOLUTION

OCTOBER 31, 1995

Whereas, ready access to Marine VHF channels is vital to the safety of boaters throughout the country; and

Whereas, the FCC is charged with enforcement of regulations that prescribe the protocols for using marine channels and to assure that they are accessible for emergency use; and

Whereas, the lack of FCC enforcement of regulations governing Marine VHF channels is a likely by-product of the delicensing of Marine VHF channels; and

Whereas, the usage of Marine VHF channels by people not engaged in marine activities, or in noncompliance with existing FCC regulations and protocols may threaten the lives of boaters and the safety of their property.

Now, be it resolved by the National Boating Safety Advisory Council that the Commandant of the Coast Guard is requested to urge the FCC to continue active enforcement of all regulations pertaining to Marine VHF frequencies.

U.S. Department
of Transportation

United States
Coast Guard



Commandant
U. S. Coast Guard

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OCT 5 1994

The Honorable Reed E. Hundt
Chairman, Federal Communications Commission
1919 M Street, N.W.
Washington, DC 20554

Dear Mr. Chairman:

Thank you for your letter of May 6 informing us of your inability to waive annual regulatory fees for Marine Ship Station licenses without Congressional authorization. You stated that proposed legislation would eliminate individual station licenses for voluntarily equipped vessels and that the Commission would license by rule as is presently done in the Citizens Band service. This delicensing proposal presents us with two problems which need resolution.

The first problem concerns both the maintaining of radio circuit discipline and the awareness of radio regulations, topics mentioned in our February 18th letter. We simply cannot compromise the safety and performance of our vessel traffic services, distress and bridge-to-bridge communications systems by persons unfamiliar with radio telephone procedures and basic regulations. Citizens Band circuit discipline is certainly not acceptable in an environment where movement of large ships and safety of life are dependent upon an effective and reliable maritime mobile VHF-FM radiocommunications system. Fortunately, the current licensing requirement and Commission enforcement mechanisms provide strong incentives for boaters to use their radio equipment correctly.

The second problem, caused by delicensing, concerns the elimination of a key database which associates maritime mobile service identities to individual radio owners, including owners of recreational vessels. These identities are essential to the introduction of the Global Maritime Distress & Safety System (GMDSS) technology in the U.S. The license is currently the U.S. database source for GMDSS electronic identities. It is needed to reduce congestion on VHF voice channels, identify and locate vessels in distress, and combat hoax calls, all through the application of digital selective calling, a component of GMDSS. We will be increasingly dependent upon a complete and accurate database of marine radio identities and user information for search and rescue purposes. We are working closely with your staff on the matter.

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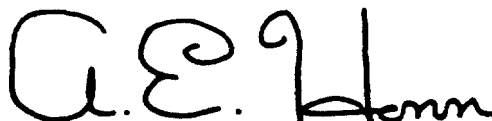
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Subj: Reply to Chairman Hundt ltr dtd 6 May 1994

In your Report and Order, Commissioner Quello expressed concern, similar to that of the Coast Guard, regarding marine radio license fees and noted his intention to "look very carefully next year when the Commission has some discretion to modify fees, at making cuts that are fair and logical." I strongly support these efforts. In the interim, I recommend you consider options this year to reduce the \$115 up-front fee for marine radio licenses. For example, payments could be spread out to reduce the disincentive for safety a fee of this amount causes.

Thank you for your interest and cooperation in this matter. Our staffs need to establish good dialogue on this issue, and continue to explore the full range of alternatives. I believe a mutually acceptable solution is achievable and that it is in the interest of both our agencies. Most importantly, it is in the best interests of the maritime community.

Sincerely,

A handwritten signature in black ink, appearing to read "A. E. Henn". The signature is stylized with a large "A" and "E", and a cursive "Henn".

A. E. HENN
Vice Admiral, U.S. Coast Guard
Acting Commandant